

Exhibit I

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ZOOM VIDEOTAPED DEPOSITION OF
MATTHEW FISCHER, VOLUME I
Hillsboro, California
Friday, December 18, 2020

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE APPLE iPHONE TRUST) Civil Action No.
LITIGATION) 4:11-cv-06715YGR

Zoom Videotaped deposition of MATTHEW
FISCHER, Volume I, taken on behalf Plaintiff, at
Hillsboro, California, beginning at 8:40 a.m., and
ending at 3:11 p.m., on Thursday, December 18, 2020,
before LORI M. BARKLEY, Certified Shorthand Reporter
No. 6426.

1 APPEARANCES :

2

3 For Plaintiff Epic Games, Inc.:

4 CRAVATH SWAINE & MOORE

5 BY: KATHERINE B. FORREST

6 BY: BRIAN MAIDA

7 BY: LAUREN KLOSS

8 Attorneys at Law

9 825 Eighth Avenue, Suite 4043B

10 New York, New York 10019

11 kforrest@cravath.com

12 bmaida@cravath.com

13 lkloss@cravath.com

14

15 For Apple and the Witness:

16 GIBSON DUNN & CRUTCHER LLP

17 BY: CYNTHIA RICHMAN

18 BY: DANA LI

19 Attorney at Law

20 1881 Page Mill Road

21 Palo Alto, California 94304

22 DLi2@gibsondunn.com

23

24

25

1 APPEARANCES (CONTINUED) :

2

3 For Consumer Class Plaintiffs

4 WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP

5 BY: JENNY Y. DUPONT

6 BY: KATE MCGUIRE

7 BY: MARK RIFKIN

8 Attorneys at Law

9 270 Madison Avenue, 10th Floor

10 New York, New York 10016

11 (212) 545-4600

12 dupont@whafh.com

13 kmcguire@whafh.com

14 rifkin@whafh.com

15

16 For Developer Plaintiffs in the Cameron Matter:

17 HAGENS BERMAN SOBOL SHAPIRO LLP

18 BY: ROB LOPEZ

19 Attorney at Law

20 1301 Second Avenue, Suite 2000

21 Seattle, Washington 98101-1214

22 (206) 623-7292

23 rob1@hbsslaw.com

24

25

1 APPEARANCES (CONTINUED) :

2

3 For Apple Inc.:

4 BY: SCOTT B. MURRAY

5 Attorney at Law

6 1 Infinite Loop

7 Cupertino, California 95014

8 (408) 783-8369

9 scott_murray@apple.com

10

11 For Developer Plaintiffs:

12 SAVERI & SAVERI

13 BY: TRAVIS L. MANFREDI

14 Attorneys at Law

15 706 Sansome Street

16 San Francisco, California 94111-1731

17 travis.l.manfredi@gmail.com

18

19

20

21

22

23

24

25

Veritext Legal Solutions

█ [REDACTED]
█ [REDACTED]
█ [REDACTED]
4 Q. Let's turn to what's been marked as Exhibit
5 number 64.

6 Exhibit 64 is from an individual called
7 Carson Oliver, cc'ing Matt Fischer, subject Hulu,
8 dated October 18th, 2018, bearing the Bates number at
9 the bottom 00228734 through 35.

10 (Exhibit 64 was marked for identification and
11 is attached hereto.)

12 BY MS. FORREST:

13 Q. Tell me when you've had an opportunity to
14 review that.

15 A. Okay. I just looked at the e-mail.

16 Q. All right. Do you recognize what's been
17 marked as Exhibit number 64?

18 A. I don't -- I don't recall the e-mail.

19 Q. Do you see that you are CC'd at the top --
20 on the top e-mail that's dated October 18th, 2018, at
21 12:40 a.m.?

22 A. Yes, I see that.

23 Q. And do you see that you are addressee of the
24 e-mail below that dated October 17th, 2018 at
25 p.m. PDP --

1 A. Sorry could you say that again?

2 Q. Actually it's the second e-mail down, it's
3 from Cindy Lin to you, dated October 17th, 2018 at
4 2:59.

5 Do you see that you're at addressee of that
6 particular e-mail?

7 A. Yes. It looks like I was one of a multiple
8 addressees for that e-mail.

9 Q. All right. Do you have any doubt that you
10 received this entire chain that's been marked as
11 Exhibit number 64 on or about October 18th, 2018?

12 A. Sorry, could you repeat that question?

13 Q. Do you have any doubt that you received the
14 entire chain of e-mail that has been marked as
15 Exhibit number 64?

16 A. No, I do not.

17 Q. In the e-mail dated October 17th, 2018 at
18 2:44 p.m. -- so it's towards the bottom of the first
19 page of Exhibit 64 it says (as read):

█

██████████

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█

██

25 A. Yes, I do.

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Veritext Legal Solutions

Veritext Legal Solutions

Veritext Legal Solutions

Veritext Legal Solutions

1 STATE OF CALIFORNIA) ss.
2 COUNTY OF LOS ANGELES)
3

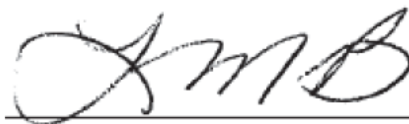
4 I, Lori M. Barkley, CSR No. 6426, do hereby
5 certify:

6 That the foregoing deposition testimony
7 taken before me at the time and place therein set
8 forth and at which time the witness was administered
9 the oath;

10 That the testimony of the witness and all
11 objections made by counsel at the time of the
12 examination were recorded stenographically by me, and
13 were thereafter transcribed under my direction and
14 supervision, and that the foregoing pages contain a
15 full, true and accurate record of all proceedings and
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel
18 for any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 21st day of December, 2020.

23 
24

25 _____
LORI M. BARKLEY, CSR No. 6426

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**** HIGHLY CONFIDENTIAL UNDER THE PROTECTIVE ORDER ****

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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IN RE APPLE iPHONE TRUST
LITIGATION

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) 4:11-cv-06715YGR
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**ZOOM VIDEOTAPED DEPOSITION OF
MATTHEW FISCHER, VOLUME II
Hillsboro, California
Thursday, January 7, 2021**

Reported by:

LORI M. BARKLEY, CSR No. 6426

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FOR THE NORTHERN DISTRICT OF CALIFORNIA
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LITIGATION) 4:11-cv-06715YGR

Zoom Videotaped deposition of MATTHEW
FISCHER, Volume II, taken on behalf Plaintiff, at
Hillsboro, California, beginning at 8:38 a.m., and
ending at 2:42 p.m., on Thursday, January 7, 2021,
before LORI M. BARKLEY, Certified Shorthand Reporter
No. 6426.

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8 825 Eighth Avenue, Suite 4043B

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15 706 Sansome Street

16 San Francisco, California 94111-1731

17 travis.l.manfredi@gmail.com

18

19

20

21 Videographer: Cyril Suszckiewicz

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1 But as I said, that's not something that
2 I've personally done myself.

3 Q. Is that part of your responsibility to drive
4 top line growth, to be aware of the ease with which
5 customers can switch from one device, an Apple
6 device, to an Android device?

■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]
■ [REDACTED]

12 Q. Okay. And do you know what the switching
13 cost is today, do you have any estimate of what the
14 switching cost is today?

15 A. I don't know how it's possible to determine
16 a definitive switching cost. It probably depends on
17 the -- on the actual user. The customer, and what
18 type of apps they have on their phone that they want
19 to switch over.

20 Q. So when you said that there have been some
21 recent developments that make it easier, to the best
22 of your knowledge what -- what developments were you
23 thinking of that make it easier for a customer to
24 switch now from an Apple device to Android device?

25 A. I remember seeing some apps over the past

[illegible]

16 Can you pull up 00207698, please.

18 Q. I was just going to say, Mr. Fischer, please
19 let know when it loads for you.

21 (Exhibit 86 was marked for identification and
22 is attached hereto.)

24 Q. Okay. So, Mr. Fischer, what I wanted to
25 know is if you recall seeing an e-mail from Phil

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1 STATE OF CALIFORNIA) ss.
2 COUNTY OF LOS ANGELES)
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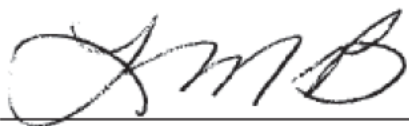
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14 supervision, and that the foregoing pages contain a
15 full, true and accurate record of all proceedings and
16 testimony to the best of my skill and ability.

17 I further certify that I am neither counsel
18 for any party to said action, nor am I related to any
19 party to said action, nor am I in any way interested
20 in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 8th day of January, 2021.
23

24 

25 LORI M. BARKLEY, CSR No. 6426